

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)	
)	
Plaintiff)	
)	
v.)	Civil Action: 04-30126-MAP
)	
CARDIAC SCIENCE, INC.)	
)	
Defendant)	
)	

DEFENDANT COMPLIENT CORPORATION'S MOTION FOR LEAVE FOR ATTORNEY TO PARTICIPATE IN STATUS CONFERENCE BY TELEPHONE

Defendant Compliant Corporation ("Compliant") hereby moves for leave to permit its counsel, Colleen M. O'Neil of Calfee, Halter & Griswold LLP, to participate by telephone in the Status Conference set in this action for Wednesday, November 1, 2006.

On September 27, 2006, the Court entered summary judgment in Compliant's favor on Plaintiff's claims. As a result, Compliant's involvement in the litigation is limited to Compliant's Counterclaims. On October 16, 2006, Compliant filed a Motion to Dismiss its Counterclaims Without Prejudice, which Motion is pending. For these reasons, and because Compliant's lead counsel is located in Ohio, Compliant submits that it is in the interest of judicial economy to permit Compliant's counsel to participate by phone. Compliant's local counsel will attend the Case Management Conference in person.

For the foregoing reasons, Compliant requests that the Court grant its Motion.

Respectfully submitted,

/s/ Colleen M. O'Neil

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CERTIFICATE OF SERVICE

I certify that, on October 26, 2006 I electronically filed a copy of the foregoing Compliant Corporation's Motion for Leave for Attorney to Participate in Status Conference by Telephone and that parties to the case, registered with the Court's electronic filing system, will receive electronic notice of such filing. A copy of the foregoing was also served upon the following via first-class U.S. mail on today's date:

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Pro Se

/s/ Colleen M. O'Neil
One of the Attorneys for Defendant,
Compliant Corporation